



March 28, 2019

Mr. Eric Ogden
Oak Creek Rawson Industrial LLC
100 S. Wacker Drive, Suite 950
Chicago, IL 60606

RE: **Public Bidding Deferred – Cost Cap Approved**

PECFA # 53154-1437-10-C DNR BRRTS # 02-41-107191
Biogenesis Enterprises (Former), 610 W. Rawson Ave., Oak Creek

On March 26, 2019, the Wisconsin Department of Natural Resources (Department) received a scope of work (SOW) and cost estimate utilizing the chapter NR 747, Wisconsin Administrative Code, Usual and Customary Cost Schedule (Cost Schedule) as the remedial action for the site referenced above. The cost proposal includes a request for variances for excavation oversight and to exceed the Cost Schedule's soil excavation limit.

The Department has determined that the SOW for remediation of the PECFA-eligible petroleum releases at the site is reasonable and **approves** the costs to excavate the most highly-contaminated soil in six areas on the southern portion of the property. This site will be deferred from the public bidding process at this time. The Department will contact you if this site will be bid in the future.

The Department is approving costs for remedial activities that include excavation of up to 1,845 tons of contaminated soil that will be disposed of at a licensed landfill, and submittal of a soil excavation report. That report should include a PECFA cost estimate for activities anticipated to be necessary to bring this case to closure. A copy of the Department worksheet for all the approved Cost Schedule tasks is enclosed for your reference.

Deferment Cost Cap Approved:

\$58,070.12

Be reminded that ch. NR 700 semi-annual progress reporting is required until this case is closed.

Note: A claim for PECFA reimbursement must be submitted within 180 days of incurring costs (i.e., completing a task). If a claim for costs incurred is not submitted within this deadline, the costs will not be eligible for PECFA reimbursement.

Usual and customary costs for activities included in this approval will only be reimbursed at a rate equal to or less than what is allowed on the Cost Schedule and are reimbursed based upon the Cost Schedule that is in effect at the time the activity is performed. Costs for activities not included in this approval are not reimbursable without prior Department authorization.

Regulatory Correspondence (Task 7, Activity RC05), Claim Submittal (Task 27, Activity CS05) and Standardized Invoice (Task 28, Activity SI05) costs are not included in the cap approved above. These

activities will be reimbursed according to the task specifications and with submittal of proper supporting documentation at claim review time.

The Department approves variances from the Cost Schedule for soil excavation and oversight. Do not include these costs (\$54,653.34 total) on the standardized invoice for usual and customary cost activities. Include these costs on a separate company invoice. When you submit the claim for these costs, please attach a copy of this letter and the attached worksheet for the claim reviewer's reference. Please be reminded that competitive commodity bidding documentation is required for variance costs to be eligible for reimbursement.

The Department considers the consultant the primary controller of costs during these activities. This approval does not guarantee eligibility of any specific costs that have been incurred or that may be incurred in the future. Final determination regarding the eligibility of costs will be made by the claim reviewer when the entire claim, including all invoices and reports, is submitted for payment.

Thank you for your efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address, by email at Linda.Michalets@wisconsin.gov, or by telephone at (414) 263-8757.

Sincerely,



Linda M. Michalets
Hydrogeologist
Remediation and Redevelopment Program

Enclosure: Usual and Customary Cost Schedule Worksheet with Variances

cc: Mr. Stephen Meer, The Sigma Group, Inc.

Usual & Customary Cost Schedule Worksheet #25 (January 2019 - June 2019) for Form RR-107a (updated 2/25/19)

PECFA #:	53154-1437-10-C	<table border="1"> <tr> <td>Cost Schedule Total</td> <td>\$3,416.78</td> </tr> <tr> <td>Variance Total</td> <td>\$54,653.34</td> </tr> <tr> <td>Grand Total</td> <td>\$58,070.12</td> </tr> </table>	Cost Schedule Total	\$3,416.78	Variance Total	\$54,653.34	Grand Total	\$58,070.12
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Variance Total	\$54,653.34							
Grand Total	\$58,070.12							
BRRTS #:	02-41-107191							
Site Name:	Biogenesis Enterprises (Former)							
Site Address:	610 W. Rawson Ave., Oak Creek, WI							
Date:	March 28, 2019							

#	Task	Provider	Ref Code	Activity Reference Code Description	Unit	Units	Unit Cost	Total Cost	Notes
6	Letter Report/Addendum		LRA05	Letter Report/Addendum	Letter	1	\$ 1,039.29	\$ 1,039.29	
24	Limited Soil Excavation - Consultant Oversight	Consultant	LSE10	Mob/Demob	Site	1	\$ 915.11	\$ 915.11	
24	Soil Sample	Laboratory	S6	PVOC + Naphthalene	Sample	30	\$ 36.02	\$ 1,080.60	
36	Change Order Request		COR05	Change Order Request	Change Order	1	\$ 381.78	\$ 381.78	
	Variance			Project Manager Hourly Rate	Hours	8	\$ 112.96	\$ 903.68	
	Variance			Staff Professional Hourly Rate	Hours	32	\$ 94.13	\$ 3,012.16	
	Variance			Excavate MW-14/GP-24 to 4 ft	Tons	150	\$ 27.50	\$ 4,125.00	
	Variance			Excavate STP-13/SGP-7 to 6 ft	Tons	670	\$ 27.50	\$ 18,425.00	
	Variance			Excavate SGP-98 to 4 ft	Tons	315	\$ 27.50	\$ 8,662.50	
	Variance			Excavate SGP-105 to 4 ft	Tons	300	\$ 27.50	\$ 8,250.00	
	Variance			Excavate SGP-25 to 4 ft	Tons	170	\$ 27.50	\$ 4,675.00	
	Variance			Excavate SGP-5/SGP-36 to 4 ft	Tons	240	\$ 27.50	\$ 6,600.00	